

## **II. Remarks**

Claims 3, 5, 6, 8, 9 and 11 were pending in this application. The present amendment adds new claims 12, 13 and 14 and amends claims 3, 5, 6, 8, 9 and 11 to more particularly point out and clarify Applicants' invention. No new matter has been added by the present amendment. After this amendment, claims 3, 5, 6, 8, 9, 11 and 12-14 will be pending. Reconsideration of the application in view of the following remarks is respectfully requested.

### **Rejections Under 35 U.S.C. § 112**

Claims 3, 5, 6, 8, 9 and 11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 3 has been amended by replacing "the pair of tethers" with "the at least two tethers" which establishes antecedent basis in line 13 of claim 3. This amendment was in response to an objection that claim 3 recited "the pair" which lacks antecedent basis.

Claim 6 was amended to recite that "each tether has one end attached to an attachment point on the side curtain airbag at a joint end and the other end attached to a vehicle at a fixation point, in a forward and backward direction of a vehicle." This was in response to an objection that claim 6 recited "the forward and backward direction" which lacks antecedent basis.

Claim 9 was amended to recite that “a second virtual line connecting respective lower ends of the attachment points of the tether.” This amendment was in response to an objection that “the respective lower end” lacks antecedent basis. Accordingly, Applicants believe that the amendments discussed in the forgoing paragraphs have cured the 35 U.S.C. § 112, second paragraph, rejections of claims 3, 5, 6, 8, 9 and 11.

*Rejections Under 35 U.S.C. § 102*

Claims 3, 5, 6, 8, 9 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,010,149 issued to Ridel (“Ridel”). The rejection of claims 3, 5, 6, 8, 9 and 11 are traversed.

Independent claims 3, 6 and 9 have been amended to further recite that at least one second chamber defines an opening that provides fluid communication between the secondary chamber and the gas chamber. The secondary chamber is expandable by the gas generator. The opening is sized such that the secondary chamber begins to substantially expand and develop after the primary chamber is approximately fully expanded and developed. The virtual band defines a region where tension is applied across the side curtain air bag when the primary chamber is approximately fully expanded and developed and the secondary chamber begins to substantially expand and develop. Support for these amendments may be found in paragraphs [0043]-[0048] and Figures 1-4.

Ridel recites a side-curtain airbag comprising an inflatable element which includes two super-imposed layers of fabric which are connected by threads to define a linear, substantially horizontally extending gas duct 1, to which a gas generator is connected. A plurality of parallel cylindrical cells 2 defines the curtain. The cells 2 extend transverse to the lower edge of the inflatable element. The inflatable element also comprises an integrally formed fixation strap 3 which extends from a lower region of a part of the airbag and includes a plurality of serially connected pockets 4 leading off from the lower part of one of the cells 2. *Ridel* at col. 3, lines 24-31. In one embodiment illustrated in Figure 9, the side curtain airbag includes two fixation straps 3 disposed at opposite ends of the side-curtain airbag. To ensure that the lower edge of the inflatable element is sufficiently rigid, the serially connected pockets 4 are in gas communication with one another and the inflatable cells 2. When the inflatable element is inflated, not only do the cells 2 inflate but so do the pockets 4 in the fixation strap 3. As the pockets 4 inflate, the opposed side walls of each pocket 4 bulge outwardly and the effective length of the fixation strap 3 is shortened to take up the slack in the fixation strap 3 so that the lower edge of the inflatable element is sufficiently rigid to prevent the inflatable element from being pushed out through a broken window during an accident. *Id.* at col. 4, lines 32-43. Thus, both the cells 2 and the pockets 4 inflate concurrently to form the inflated protective side-curtain airbag.

This is unlike Applicants' invention as recited in independent claims 3, 6 and 9, where the side-curtain airbag has a secondary chamber defining an

opening that is sized such that the secondary chamber begins to substantially expand and develop after the primary chamber is approximately fully expanded and developed. Applicants' invention is concerned with varying the size of the opening A of the secondary chamber so as to delay the expansion and development of the secondary chamber in relationship to the expansion and development of the primary chamber. Applicants' Detailed Description at paragraph [0039]. By configuring the side-curtain airbag in such a manner, the primary chamber is approximately fully inflated and developed first and then, the secondary chamber begins to substantially expand and develop. This preferably allows the side-curtain airbag to initially have primary chambers with relatively low force for protecting the head of an occupant and then, subsequently, additional tension develops across the entire airbag in a forward and backward direction. In this way, the airbag has a high tension that protects the occupants at a later stage of the collision or at a time of the final overturn of the vehicle. *Id.* at paragraphs [0043] and [0044]. In that Ridel lacks the noted elements of claim 1, Applicants respectfully submit that the rejection based thereon should be withdrawn. Accordingly, Applicants believe independent claims 3, 6 and 9 and their dependent claims 5, 8 and 11 are in a condition for allowance.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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Date

/Daniel P. Dailey/  
Daniel P. Dailey (Reg. No. 54,054)